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Victory in Court for Liberian Immigrant

1/6/06--The Boston College Immigration and Asylum Project (BCIAP), together with the Catholic Legal Immigration Network (CLINIC), is proud to announce that they have won "cancellation of removal" for a young woman from Liberia, preventing her deportation.

"This case was a wonderful example of the sort of multi-disciplinary approach we have been developing in the Immigration Clinic and in the Human Rights Center," said BC Law Director of Human Rights Programs, Professor Daniel Kanstroom. "In particular, the work of a BC School of Social Work student was invaluable, as was collaboration with the Roger Williams criminal defense clinic. I'd like to congratulate our Attorney/Fellow, Mary Holper and Tara Sleprow (2L) on some absolutely first-rate legal work. They may have literally saved this young woman's life, bringing her back from the brink of a tragic deportation, getting her released from federal custody, and developing a workable treatment and life plan for her."

'Ms. K' came to the United States as a lawful permanent resident in 1991, after fleeing the civil war in Liberia. As a young child, she suffered female genital mutilation. She and her family were also captured by rebel forces and forced to watch brutal killings during the war, including the beheading of a man before her eyes at a checkpoint. As a result, Ms. K suffered severe post-traumatic stress disorder.

Arriving in the U.S. as a teenager, she had little reprieve from her suffering in Liberia. After being physically and mentally abused for years, she was introduced to crack cocaine, which led to a string of petty crimes. She was later convicted of two shoplifting offenses, for which she was sentenced in Rhode Island to 1 year suspended sentences. She did not realize that these minor criminal matters meant that she had been convicted of an "aggravated felony" under harsh federal immigration laws for which she faced imminent deportation and mandatory detention.

Former BCIAP Fellow, Alexandra Dufresne, met Ms. K in July 2005 at a regional county jail, where she was detained by Immigration and Customs Enforcement (ICE). Attorney Dufresne filed an application for asylum and withholding of removal, citing the persecution that Ms. K would suffer in Liberia on account of her ethnicity if she were deported. Attorney Dufresne also contacted with the Roger Williams Criminal Defense Clinic in Rhode Island, which agreed to represent Ms. K to seek the reduction of her shoplifting sentences. The defense clinic team was successful and Ms. K became eligible for "cancellation of removal," a special waiver of deportation available to long-term permanent residents.

The new CLINIC/BCIAP staff attorney, Mary Holper (BC Law 2003), took over the case in August of 2005. Ms. Holper and BC law students submitted lengthy briefs in support of Ms. K's applications for cancellation of removal, asylum and withholding of removal. The team also arranged for Ms. K to be examined by a gynecologist from Boston Medical Center to verify that she suffered female genital mutilation and by a psychologist to verify the diagnosis of post-traumatic stress disorder and the need for further medication and therapy to overcome recurrent hallucinations. As part of the new multi-disciplinary focus of BCIAP, sparked by the Center for Human Rights and International Justice, the program accepted a Boston College social work graduate student in a clinical placement this year. That student, Jennifer McDonald, found various treatment programs for Ms. K that would take her if she could be released from

detention.

On December 29, 2005, Ms. K appeared before an Immigration Judge in Boston, MA, represented by Attorney Holper and BC Law student Tara Sleprow. The Immigration Judge was convinced by the proof submitted about the extreme hardship that Ms. K would suffer if she were deported to Liberia. The Immigration Judge also was impressed by Ms. K's desire to rehabilitate from her drug use and the hardship that her young children would suffer if they were separated from their mother. The judge granted the discretionary waiver of deportation and the government has agreed not to appeal that ruling. Both the judge and the government lawyer specifically noted the high-quality presentation of the case by Attorney Holper and Ms. Sleprow. Ms. K was released that very day, where she was welcomed into the arms of her family in Providence, RI.

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